THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7183 OF 2006

DATED: 26-02-2007

BETWEEN

Avatar Meharbaba Charitable Trust,
Tattekunta Village (Chandragiri Agraharam)
Vemulawada Mandal, Karimnagar District,
Rep. by its Chairman Sri D. Parbhakar Rao,
S/o. D. Surya Rao.

...PETITIONER

AND

The Circle Inspector of Police,
Vemulawada, Karimanagar
District and others.

...RESPONDENTS

ORDER:

It is the case of the petitioner that the police is not providing protection at the site of arches in respect of Avatar Meharbaba Temple alleged to have been constructed in Sy.No.4 of Tettekunta Village, Chandragiri Agraharam, Vemulawada Mandal, Karimnagar District from the unsocial elements like Sarpanch and others.

2. Counter has been filed by the Sub-Inspector of Police stating that no land has been allotted in favour of the petitioner-trust in respect of Sy.No.4 of the aforesaid village. In fact, the District Collector, Karimnagar directed the Mandal Revenue Officer to obtain alienation proposals, name of body members constituted for the trust, the details of registration of the trust etc. for allotment of the land to the trust. The MRO accordingly addressed a letter

to the petitioner-trust calling upon it to furnish the names of body members relating to the registration of body and alienation of proposals etc. But the petitioner-trust did not furnish the details as requested by the MRO and therefore, it cannot be said that the petitioner-trust has got any legal right over the said property. It is stated that the petitioner-trust has been enjoying the said land from 2003-2004 onwards taking advantage of the wrong entries made in the pahani patrikas and the petitioner-trust approached this Court by way of W.P.No.4070 of 2004 seeking allotment of the said land and this Court directed to maintain status quo. It is stated that in spite of the status quo orders the petitioner-trust laid a road from Sy.No.4 to the main road between Sircilla-Karimnagar encroaching upon the land in Sy.No.6 belonging to Chennamaneni Panduranga Prasad Rao, Raejshwar Rao, Vengal Rao and Venkateshwar Rao, who are the pattedars of Sy.No.4. It is stated that so far no alienation of the land has been made in favour of the petitioner. It is further stated that criminal complaints filed by the petitioner, time and again, have been enquired into and found to be false. It is further stated that the respondent police is always ready and willing to provide necessary police protection as and when the rights of the petitioner-trust are crystallized.

3. I am of the opinion that it is not and just proper for the petitioner-trust to seek police protection in respect of the site in question where the rights of the petitioner-trust have not been crystallized.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 26, 2007
DSK